

Poole, Jill L. (Omaha)

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From: thomas@strelkalaw.com  
Sent: Wednesday, July 18, 2012 12:19 PM  
To: Poole, Jill L. (Omaha)  
Cc: leigh@strelkalaw.com; Jon Axelrod  
Subject: RE: Johnson v. Atlas

Jill,

I will respond to your email by Friday.

Always a pleasure.

--Tom

Thomas E. Strelka  
STRICKLAND, DIVINEY & STRELKA  
P.O. Box 2866  
23 Franklin Road  
Roanoke, Virginia 24001  
Telephone: 540-982-7787  
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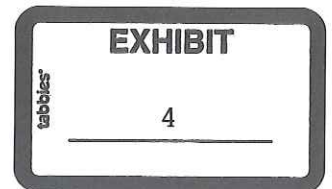
----- Original Message -----

Subject: RE: Johnson v. Atlas  
From: "Poole, Jill L. (Omaha)" <poolej@jacksonlewis.com>  
Date: Wed, July 18, 2012 9:27 am  
To: "thomas@strelkalaw.com" <thomas@strelkalaw.com>  
Cc: "leigh@strelkalaw.com" <leigh@strelkalaw.com>, Jon Axelrod  
<jaxelrod@beinsaxelrod.com>

Tom:

As I have previously asked, I need you to give me an exact date as to when Plaintiffs expect to answer Atlas' discovery requests. Telling me that I should have some of the discovery responses by the end of the month is completely insufficient. I have not agreed to give the Plaintiffs an indefinite extension to answer Atlas' discovery responses. I have agreed to allow the Plaintiffs an extension until July 25, 2012. Since you continually refuse to give me a date certain as to when your clients intend to answer the discovery, you have left me with no choice other than to file a motion to compel. Accordingly, if I don't receive the discovery responses by July 25, 2012, I intend to file a Motion to Compel and will request sanctions.

In regard to your clients' depositions Atlas does intend to depose all the plaintiffs. However, this could change depending on your clients' discovery responses. This is why I need your clients' discovery responses. I will not agree to hold off on taking your clients' depositions until after Atlas has answered the plaintiffs' discovery requests as you have suggested. I don't agree with your assessment that you need my clients discovery responses before I can depose your clients. Moreover, if plaintiffs wanted Atlas' discovery responses before their depositions, then plaintiffs should have served Atlas with discovery in advance of July 13, 2012. In fact, I requested an opportunity to take your clients' depositions before your office even served Atlas with discovery. Atlas discovery responses are not due until August 16, 2012. I will not wait until August 17<sup>th</sup> to start



depositions, particularly since the discovery cut-off is August 24, 2012. I am proposing to take your clients' depositions the week of August 6-10<sup>th</sup> during the times previously suggested. I don't have a preference as to order, I will leave that up to you and your clients. If I don't hear from you by the close of business on Friday, July 20, 2012, I will notice your clients' depositions accordingly.

As for my clients' depositions, please let me know who you would like to depose. I am unavailable August 14<sup>th</sup> -15<sup>th</sup>.

I remain open to working through these discovery issues. However, this requires your cooperation as well.

Thank you,

Jill Poole  
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Jackson Lewis LLP  
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Omaha, NE 68114

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